



MICHIGAN CLEAN AIR COMPLIANCE ADVISORY PANEL (CAP) MEETING MINUTES December 7, 2006

Attendees: Dennis Armbruster, Assistant Division Chief, Air Quality Division (AQD), MDEQ
Barry Cargill, President, B. Cargill Associates, LLC
Donna Davis, Environmental Compliance Assistance Program (ECAP), MDEQ
Dave Fiedler, Environmental Compliance Assistance Program (ECAP), MDEQ
Susan Holben, Michigan Clean Air Ombudsman, MEDC
Jim Ostrowski, Environmental Compliance Assistance Program (ECAP), MDEQ
Judy Schaefer, Environmental Compliance Assistance Program (ECAP), MDEQ
Brian Warner, Wolverine Power Cooperative
Bruce Wigginton, Mason Auto Body Repair

Welcome, Introductions & Review of Today's Agenda – Barry Cargill

Approval of the Meeting Minutes – Barry Cargill

Barry Cargill called for a motion to approve the 9/7/06 minutes. The motion was seconded by Dennis Armbruster and supported by Brian Warner. The motion was unanimously approved. The approved minutes from the 9/7/06 meeting will now be posted to the CAP's web site.

Air Quality Rules and Program Update – Dennis Armbruster

Status of NAAQS Ozone Standard

EPA intends on approving the redesignation of 11 counties in Michigan to attainment with the ozone standard. In addition, EPA is reviewing monitoring data for five counties currently listed as in nonattainment, which shows compliance with the standard. It is expected that EPA will approve the redesignation of these five counties to attainment. Nine counties remain in nonattainment. MDEQ is close to submittal of the ozone attainment state implementation plan (SIP) for these counties. *A map of affected counties can be viewed at* <http://www.deq.state.mi.us/documents/deq-aqd-air-aqe-ozonedesignationmap-7-06.pdf>.

Rules Updates

The Part 18 rules became effective December 4, 2006. These rules allow Michigan to implement a permitting program for Prevention of Significant Deterioration (PSD) directly as a SIP approved state as opposed to a state with delegated authority for the PSD program through the EPA. The difference between a SIP approved state and a delegated state is that appeals now come through the state appeals process versus the EPA appeals process (the EAB or Environmental Appeals Board). The rules package will be sent to EPA for approval soon.

The Part 19 rules which address permitted sources in nonattainment areas are being updated. The changes to these rules are to make them consistent with the other state rules for air permitting. A public hearing is scheduled for December 20, 2006 for the Part 19 rules.

The Clean Corporate Citizen (C3) program rules were revised and became effective on December 1, 2006. Mr. Warner commented that companies having an Environmental Management System (EMS) in place could be a way to meet the continuous improvement requirement of the C3 program. Mr. Cargill indicated that the MDEQ could find a better way to promote the C3 and the counterpart Michigan Business Pollution Partnership Program (MBP3). Mr. Cargill suggested that maybe the MDEQ could work with environmental consultants as a means to promote these programs.

Action Item: Invite program staff in charge of the C3 and MBP3 programs to the next CAP meeting to talk more in depth about each program.

ECOS Update and the Move of the Small Business Assistance Programs to a Multimedia Format – Dave Fiedler

At the September 7, 2007 meeting of the Small Business Clean Air Compliance Advisory Panel (CAP), Brian Warner of Wolverine Power Cooperative talked about a new initiative of the National CAP that asks the EPA to expand states' Section 507 Clean Air Assistance Programs to multimedia through funding and legislation. Director Chester suggested that the issue should also be brought up at the ECOS Spring 2007 meeting and asked Dave Fiedler to start gathering support from the other states.

Dave Fiedler has been discussing the concept of a draft ECOS resolution supporting the expansion of state compliance assistance programs with Mia Sealey, ECOS support staff; Mark McDermid, Small Business Liaison, Wisconsin DNR; and Renee Lesjak Bashel, Wisconsin Small Business Assistance Program. Mark has spoken to Arleen O'Donnell, Acting Commissioner, MassDEP, who chairs the ECOS Cross Media Committee. Arleen is supportive of bringing this issue before the Committee provided that it have a funding component to it. The funding component is a critical piece since she felt that the commissioners and directors would not be supportive of a new initiative that compromises the funding and integrity of their core environmental programs.

Mr. Fiedler and his small workgroup are currently collecting information to address questions, including what are potential funding sources, that the Cross Media Committee may have. Dennis Armbruster indicated that the ECOS resolution does not have to provide an answer to a funding dilemma as most ECOS resolutions are used to challenge the EPA to find funding for an initiative or program. Mr. Fiedler stated that even if the funding were to come through for the small business programs to do multimedia assistance, there would be an even bigger issue of how to fairly divide up the dollars among each of the state's programs, given that some states are already providing multimedia compliance assistance. Mr. Fiedler indicated that the Committee will likely have a conference call in mid-January. Director Chester is willing to take the lead on this issue as it goes before the Cross Media Committee at the Spring ECOS meeting in March 2007.

Action Item: The CAP requested a MDEQ budget update be provided at their next scheduled meeting.

National CAP Update – Brian Warner

Brian Warner updated the CAP on the national funding and statutory small business program initiative that is being undertaken by the National CAP. The initiative's focus is to try and create both funding and flexibility for multimedia applications with the small business programs. Mr. Warner says that the lobbying effort is moving right along, and he hopes to have some news to share with the CAP during the next fiscal year.

Mr. Warner presented a "talking point" fact sheet to the CAP, developed by the National CAP as part of their lobbying efforts, that detailed what environmental media the states' small business programs were willing to assume when it came to environmental outreach and oversight. Judy Schaefer inquired why waste management was not one of the items included in the National CAP's outline, and Mr. Warner indicated that that was an oversight, and that the fact sheet will be changed to include waste. Jim Ostrowski also suggested that the fact sheet include information on employment size to better define the small business sector. Mr. Warner stated that he also wanted the fact sheet to include the expansion of assistance to small businesses with the area source Maximum Achievable Control Technology standards (MACTs) that are being promulgated at the federal level. Dennis Armbruster expressed a concern that if the National CAP was successful in getting funding for the small business programs' expansion to multimedia assistance that it might come at a cost of cuts to traditional state regulatory program grants and funding. Mr. Warner indicated that his efforts will be spent making sure that does not happen, and to get more overall dollars to fund both assistance and regulatory programs at the state level.

Expanding the Auto Body Compliance Assistance Program into a Full Environmental Results Project (ERP) and a Discussion of Ideas for New Industry Guides– Dave Fiedler

The Automotive Service Association (ASA), which represents Michigan auto body shops would like the MDEQ to be more proactive in encouraging shops to complete the *Self Audit Checklist* that was developed by Teresa Kinder of the CAAP in 2005. Dave Fiedler offered the suggestion of having shops voluntarily submit the checklist to the MDEQ. In exchange for voluntarily submitting the checklist, the MDEQ would offer incentives to auto body shops such as a reduced chance of being inspected by the MDEQ or some other type of recognition through the Michigan Business Pollution Prevention Program (MBP3).

Bruce Wigginton was not in favor of this approach because he believed that very few shops would submit the checklist. Instead, Mr. Wigginton suggested that Anita Welch, who has taken this program over when Teresa Kinder left the CAAP, contact the Michigan Department of State, Bureau of Regulatory Services (BRS) about making the completion of the self audit a requirement, and tying it to their annual license renewal through BRS. Mr. Wigginton did not think the completion of the checklist was an onerous requirement for these shops, and was willing to contact ASA about this idea. Dave Fiedler and Anita Welch will schedule a meeting

with the BRS to see if this idea has potential, and will then call in ASA and Mr. Wigginton to give additional support if needed.

Anita Welch will also be updating the auto body checklist and manual in 2007. Before that update occurs, Ms. Welch needs to include any new requirements from the upcoming area source Maximum Achievable Control Technology (MACT) standard for this source that EPA will be promulgating.

Boilerplate language in the MDEQ's fiscal year 2007 appropriation bill requires the MDEQ's Environmental Science and Services Division (ESSD) to develop a plan and schedule for developing new compliance assistance guidebooks by April 30, 2007. Dave Fiedler passed out a preliminary list containing a number of fact sheets and guidebooks that have been recommended for future publication by the MDEQ divisions. A guidebook for salvage yards is an example of an industry sector that was recommended by several MDEQ programs as well as the CAP. Mr. Fiedler asked that the CAP review the preliminary list to help ESSD prioritize the importance of guide development, and provide their recommendations directly to him. Mr. Cargill agreed to work with the ESSD on any guides relating to land use issues that are developed, and he encouraged Susan Holben and the MEDC to do everything they could to pass on these guides as a part of their package presentation to business and industry.

Update on CAAP activities, including the New Annual Compliance Assistance Report and Promotional Effort—Dave Fiedler

The MDEQ's ESSD has been offering one stop shopping for compliance assistance on all MDEQ regulatory programs for the past 10 years. However, the ESSD has done a poor job marketing and branding this program with businesses and the general public. Beginning this fall, ESSD's Education and Outreach and Compliance Assistance units will begin marketing their services (i.e., workshops, telephone consultations, publications, and permit coordination) under the new brand name "Environmental Compliance Assistance Program" or ECAP. Dave Fiedler assured the CAP that although this will be a coordinated marketing effort to promote the multimedia services and work products of the two units in ESSD, it will not however, require any type of organizational change to staffing or program outreach. A draft marketing card has been developed for the combined program's outreach. A copy was distributed to CAP members. Comments on the card should be directed to Dave Fiedler by December 22, 2006.

Beginning with the completion of fiscal year 2006-2007, the new ECAP has launched its first ever annual report on the compliance assistance activities of the two ESSD units. One of the purposes of producing an annual report is to market and promote the services that the ECAP provides to businesses, institutions, local governments and the general public. The report covers the activities of the ECAP over a fiscal year, and also will include information on the Clean Air Ombudsman as well as CAP activities during this period. The report will be mailed out to both internal and external stakeholders.

Workshops, Publications and Other Activities of Interest

Donna Davis distributed a list of on-going and upcoming workshops, activities and publications completed or under development by the CAAP.

Michigan Clean Air Ombudsman Update – Susan Holben

Susan Holben stated that she has been directing businesses and other organizations to the activities and work products of the MDEQ. Organizations such as the local chambers of commerce have been developing articles for their members based on this information. Ms. Holben asked that if the MDEQ wanted to promote any of its activities or work products, to utilize the chamber of commerce by providing her with an electronic copy of an announcement. In turn, Ms. Holben indicated that many chambers are grateful for the information which they provide verbatim in their newsletters. Jim Ostrowski suggested that perhaps the MDEQ should also send Ms. Holben copies of the "Rotator Corner's" monthly questions and tips for environmental compliance.

Web Page Changes – Donna Davis

The CAP asked the CAAP and Ombudsman to find ways to better promote the CAP, and asked the MDEQ to review the department's Internet web pages to see if there were places where a link could be provided to the CAP web page. The CAP also asked that the public notice of their meetings also be placed in the *DEQ Calendar* and possibly other MDEQ periodic publications.

Action Item: Conduct a search of the MDEQ's current Internet web pages to find logical places to place a link directly to CAP web site.

Other Issues and Public Comment – Donna Davis

Barry Cargill offered a commendation to the MDEQ for being proactive about co-initiating a Leadership Academy with the MDA and the MDNR to enhance the talents of current staff in the department. Mr. Cargill stated that this was a positive thing. Dave Fiedler stated that the MDEQ director has received calls from other state departments about the Leadership Academy.

Next CAP Meeting is scheduled for Tuesday, March 6, 2007 at Constitution Hall, Lansing, Michigan.